

December 20, 2004

Service of the copy of the summons and amended complaint with exhibit(s) 1-7, were served on AUSA Michael P. Sady, via the Civil Process Clerk at the Office of the U.S. Attorney pursuant to Rule 4(i)(1)(A), Certified Mail #7003 0500 0004 5797 2609 on 12/20/04.

United States District Court  
Attn: Clerk, Lindsay, J., USDC  
5130 John J. Moakley Court House  
1 Courthouse Way  
Boston, Massachusetts 02210

RE: Tyree v. U.S. Army, Et al.  
C.A. 04-11430-RCL - Compliance  
With Order Of Lindsay, J., Of  
December 13, 2004 To Reserve  
Defendant Joseph Burzenski With  
Civil Action Via U.S. Marshal.

Dear clerk:

Pursuant to the Order of December 13, 2004, from Judge Lindsay, I have undertaken the following action. Please be so advised, thank you:

1. pursuant to Rule 4(i)(1)(A) "Serving the United States Its Agencies, Corporations, Officers, or Employees...(A) by delivering a copy of the summons and the complaint to the United States Attorney for the district in which the action is brought ...by sending a copy of the summons and of the complaint by registered or certified mail addressed to...the office of the United States Attorney..."

Defendant(s) United States Army, and U.S. Army CID Agent Paul Mason were served via Rule 4(i)(1)(A) with Certified Mail, seen attached #7003 0500 0004 5797 6812, and #7003 0500 0004 5798 4671, on the Office of the United States Attorney, as further seen at Docket #4 in the docket of the above cited case. Docket entry dated 7/30/2004;

2. pursuant to Rule 4(i)(1)(A), I have effected service of a copy of the summons and the Amended Complaint with Exhibit 1-7, on the Office of the United States Attorney for Defendant Joseph Burzenski, U.S. Army CID (Retired), by mailing same Certified Mail to Assistant United States Attorney Michael P. Sady, 9200 John J. Moakley Courthouse, One Courthouse Way, Boston, Massachusetts,

Page two  
Letter To U.S. District Court  
December 20, 2004

02210, who is the Assistant United States Attorney listed at the docket in the above entitled case. As counsel for Defendant Burzenski, pursuant to Rule 4(i)(1)(A), Mr. Sady is authorized to receive service of the summons and amended complaint with exhibit 1-7 on behalf of Defendant Burzenski.

I have further served Mr. Sady for two additional reasons with a copy of the summons and the amended complaint with exhibit 1-7, as counsel for Joseph Burzenski:

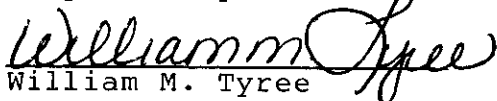
(a). Mr. Burzenski contacted the prison in Walpole, Massachusetts, after he refused Certified U.S. Mail service in July 2004, and complained to prison staff, Sergeant Pat Mullvey, that I attempted to contact him. Sgt. Mullvey interviewed me and gave me a direct order to have no further dealigs with Burzenki of any description including contact through a second person with Burzenski. For that reason, I could not serve Burzenski by U.S. Marshal as that would constitute second person association with Burzenski. I have served Mr. Sady who is counsel of record for Joseph Burzenski for that reason;

(b). Mr. Sady has already filed two motions for a first, and second enlargement of time to investigate and file an answer to the amended complaint with exhibit 1-7 in support thereof. Both mothions failed to outline that they did not represent Mr. Burzenski (due to lack of service, or improper service). As such, they are seen to waive that objection. Further, Mr. Sady is aware that I have attempted in good faith to serve Mr. Burzenski, and that the events detailed in this letter have taken place.

Based on the contents of this letter, I have served all three defendants in the above action at Dcoket 04-11430-RCL via the Federal Rules of Civil Procedure, Rule 4(i)(1)(A), and will make proof of service on Mr. Burzenski, as soon as the Certified Mail Card is returned from the office of AUSA Michael P. Sady.

Thank you for your time in this matter, and I trust that this has addressed the Order of Judge Lindsay.

Respectfully submitted,

  
William M. Tyree

Pro se  
P.O. Box-100  
S. Walpole, MA. 02071

cc: AUSA Sady  
file

SERVICE ATTEMPTED VIA  
RULE 4(i)(1)(A)(C) AND  
RULE 4(i)(2).

UNITED STATES POSTAL SERVICE

26


 First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Bill Tyree

P.O. Box-100

S. Walpole, MA. 02071

SERVICE ON U.S. ATTORNEY  
 PURSUANT TO RULE 4(i)(1)(A)  
 AND 4(i)(3).

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

 1. Article Addressed to:  
 U.S. Dept. of Justice  
 John J. Moakley Courthouse  
 1 Courthouse Way, Suite 9200  
 Boston, Massachusetts  
 02210
Attn: Michael J. Sullivan
 2. Article Number  
 (Transfer from service label)

7003 0500 0004 5798 4671

PS-Form 3811, August 2001

Domestic Return Receipt

102595-02-M-103

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Michael J. Sullivan
☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered☐ Insured Mail
☐ Return Receipt for Merchandise  
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage

3.95

Certified Fee

2.30

Return Receipt Fee  
(Endorsement Required)

1.75

Restricted Delivery Fee  
(Endorsement Required)

Total Postage &amp; Fees

\$

Postmark  
Here

U.S. Dept. of Justice

1 Courthouse Way, Suite 9200

Boston, MA. 02210

7003 0500 0004 5798 4671

SERVICE ON U.S. ATTORNEY  
FOR DEFENDANT MASON -

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Paul Mason/Dept. of Justice  
John J. Moakley Courthouse  
1 Courthouse Way, Suite 9200  
Boston, Massachusetts  
02210

## 2. Article Number

(Transfer from service label)

7003 0500 0004 5797 6812

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

*John P. Mason* ☐ Agent  
☐ Address

## B. Received by (Printed Name)

## C. Date of Delivery

## D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

26

BOSTON MA 02111  
PM  
2004

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Bill Tyree

P.O. Box-100

S. Walpole, MA 02071

071+0100

U.S. Postal Service

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage

\$ 3.95

Certified Fee

230

Return Receipt Fee  
(Endorsement Required)

175

Restricted Delivery Fee  
(Endorsement Required)

Total Postage &amp; Fees

\$

Postmark  
Here

Sent To

Paul Mason/Dept. of Justice

Street Apt. No.

1 Courthouse Way, Suite 9200

City, State, ZIP+4

Boston, MA 02210

PS Form 3825, Jan. 2003

See back for instructions

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was received from Lindsay, Reginald entered on 12/13/2004 at 5:48 PM EST and filed on 12/13/2004

Case Name: Tyree v. United States Army et al

Case Number: 1:04-cv-11430

Filer:

Document Number:

Docket Text:

Judge Reginald C. Lindsay : electronic ORDER entered denying [2] Plaintiff's MOTION for the United States Marshal to Make Service on the Defendant CID Agent Joseph Burzenski, U.S. Army, (Retired), or in the Alternative, Order that Service of the Summons and Related Amended Complaint May be Made on the U.S. Attorney for the State of Massachusetts. To the extent that this is a motion seeking to have the Marshal's Service serve the complaint without fee, the motion is denied because the plaintiff is not proceeding in forma pauperis. The plaintiff may contact the Marshal's Service directly, pay the required fee, and have service made, or the plaintiff may seek leave to have a constable serve the papers. The court denies [6] Plaintiff's MOTION to File Two Sided Copies of Pleadings with the United States District Court in this case. Such filings may impede the scanning of the plaintiff's filings. The court denies without prejudice [7] Plaintiff's MOTION for the United States District Court Magistrate Judge to Adopt the Plaintiff's Proposed Finding of Fact and Conclusion of Law in the Plaintiff's Amended Complaint Supported by Exhibits 1-7, and Supplemental Pleadings. This motion is premature. The court denies [8] Plaintiff's MOTION to Effect Service of Amended Complaint with Exhibits 1-7 in Support and Supplemental Pleadings Served on United States District Court by Mailing Same to the Named Defendants VIA Certified U.S. Mail Return Receipt Requested. Service must be made in accordance with the Federal Rules of Civil Procedure and the court's Local Rules. (Lindsay, Reginald)

The following document(s) are associated with this transaction:

1:04-cv-11430 Notice will be electronically mailed to:

Michael P. Sady michael.sady@usdoj.gov, ellen.souris@usdoj.gov

1:04-cv-11430 Notice will not be electronically mailed to:

William M. Tyree  
MCI Walpole  
P.O. Box 100  
South Walpole, MA 02071

RULE 4(i)(1)(A)(C)-  
PURSUANT TO RULE 4(i)(2)  
CERTIFIED SERVICE WAS LEGALLY  
MADE ON BURZENSKI WHICH  
HE REFUSED. -TIMELY SERVED.  
CURRENTLY, PURSUANT TO RULE  
4(i)(1)(A) AND 4(i)(3) THE  
OFFICE OF THE U.S. ATTY IS NOW  
SERVED WITH THE BURZENSKI  
SUMMONS/ AMENDED COMPLAINT w/  
EXHIBITS 1-7.